

***Disintegration Dynamics during the Refugee Crisis: Partial Empowerment,
Reluctant Agents, a Cacophony of Voices, and Unilateral Actions***

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Abstract

How can we explain the reinforcement of disintegration dynamics in the EU during the refugee crisis? In this contribution, I argue that disintegration dynamics are a function of four causal mechanisms. First, a complex delegation design with partial empowerment of supranational institutions on migration and asylum policy issues hindered an effective response and strengthened disintegration dynamics. Second, a reluctant European Commission was unable to provide leadership during the refugee crisis. Third, Member States inability to speak with a single voice impacted negatively their external and internal effectiveness and reinforced disintegration dynamics. Finally, this cacophony of voices led to unilateral actions eroding the authority of the Commission and reinforcing spill back processes. The findings of this paper suggest that the mantra that the EU undergoes many crises, but always emerges stronger has lost plausibility.

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Introduction

Over the last few years, EU governance has taken place in crisis modus with Member States and European institutions representatives literally moving from one crisis to the next, but without finding a common denominator to solve sustainably several crises. The 2015 refugee crisis constituted another step in the erosion of the European integration process. The EU was criticized by scholars, policymakers and public opinion for a lack of leadership (Börzel 2016, Menéndez 2016, Schimmelfennig 2016) and for the inexistence of a coherent and coordinated policy-making in the face of the refugee crisis (Juncker 2016). Even though the Syrian refugee crisis has raised the awareness that the management of local pressures on borders and asylum processes could only be solved collectively at the European level, Member States were unable to find a common European solution to the migration crisis.

Against this background, in this piece, I contend that the refugee crisis has strengthened disintegration dynamics. The concept of disintegration refers to the process whereby governments oppose the delegation of decision-making authority to the European (supranational) level.¹ Thereby, the focus is particularly on four different causal mechanisms of this erosion: partial empowerment, reluctant agents, internally low cohesive collective principal, and unilateral actions. *First*, a partial empowerment of supranational institutions on migration and asylum policy without clearly defined competences between the Council of the EU and the European Commission (henceforth, the Commission) hindered effective and rapid action by Frontex and the European Asylum Support Service (EASO), the agency in charge of refugees and mass migration issues. *Second*, contrary to the assumptions of neo-functionalism and principal-agent approaches that supranational institutions constantly attempt to widen their own powers, the Commission took a low profile by acting reluctantly during the refugee crisis

¹ This definition includes the first dimension of the concept of integration by Lindberg and Scheingold, as “the process whereby nations forgo the desire and ability to conduct foreign and key domestic policies independently of each other, seeking instead to make joint decisions or to delegate the decision-making process to new central organs”(Lindberg and Scheingold 1970: 6). The second part of his definition refers to “the process whereby political actors in several distinct settings are persuaded to shift their expectations and political activities to a new center” (Lindberg and Scheingold 1970: 6).

and was thus unable to act as a transformational leadership role. *Third*, the inability of EU Member States to be internally cohesive and to speak with a single voice impacts their external and internal effectiveness in solving the refugee crisis and reinforced disintegration dynamics. Finally, this cacophony of voices has led to unilateral actions, which culminated with the temporary suspension of the Schengen system with several Member States closing borders. The choice of national solutions illustrates how easily important integration steps can be reversed and, thus, spill-back processes initiated. The paper concludes with some remarks on the consequences of these current disintegration dynamics.

2. Causal mechanisms leading to disintegration

The choice of a delegation design, in which supranational institutions were partially empowered, is the first causal mechanism that helps us to explain disintegration dynamics. Shared competences between Member States and the Commission hindered effective action at the European level. A reluctant and weakened European Commission during the refugee crisis was unable to provide political leadership to overcome the crisis situation. Third, a highly divided collective principal (the Council) was unable to agree on a common position with single Member States, such as Germany, taking the lead. This low cohesiveness among Member States, in turn, led to the choice for unilateral actions and strengthened disintegration dynamics. Below I will turn to these four causal mechanisms to explain the reinforcement of disintegration dynamics during the refugee crisis.

Partial empowerment of supranational institutions

Delegation of power on migration and asylum policy corresponds to a partial empowerment of the Commission. Partial empowerment refers in this piece to the gradual transfer of decision-making authority and capabilities from the national to the European (supranational) level. Member States only delegated some powers to the Commission while retaining others on migration and asylum policy. Empowerment has three components: tasks, issue scope, and capabilities (Börzel 2005, Heldt and Schmidtke 2017, Hooghe and Marks 2015).

Principal agent studies applied to the EU dissect situations where Member States (principals) delegate authority to supranational organizations (the agent) (Conceição-Heldt 2010, Hawkins *et al.* 2006, Pollack 1997). By doing so, the collective principal (the Council of the EU) empowers agents to perform specified tasks on its behalf. The delegation contract between principals and agents specifies the types of tasks the organization is asked to perform and the scope of issue areas in which these tasks shall be carried out (Hawkins *et al.* 2006). The literature so far aiming to measure the extent of the formal delegation to international organizations (IOs) has mainly focused on two principal components of IO power: tasks and issue scope (Börzel 2005, Hooghe and Marks 2015). In contrast the capabilities of IOs to perform the task formally delegated to them has received considerably less attention. In this contribution, I view financial and staff capabilities as a third component of power of supranational institutions. When Member States decide to only partially transfer power (tasks, issues and capabilities) to the European level, this might affect the ability of the agent to act as an effective actor. A supranational institution is powerful when it performs a broad set of tasks, such as agenda setting, dispute settlement, or fund distribution, carries out these tasks in a broad array of domestically intrusive issue areas *and* possesses the necessary financial and staff capabilities to perform these tasks. In this way,

capabilities are not only an important element of a supranational institution's power, they are also a key prerequisite for high-quality performance.

The *number and types of tasks* delegated to the European level are a principal component of the delegation design (Koremenos *et al.* 2001). Examples of tasks performed by European institutions include agenda-setting, representation, re-delegation, monitoring compliance, distribution of funds (Hawkins *et al.* 2006, Heldt and Schmidtke 2017). Börzel (2005) was one of the first to attempt to systematically map the centralization of tasks at the EU in more detail, combining decision-making rules among member states (pooling) and the performance of agenda setting and judicial review task by an international administration (delegation). Franchino (2007) (2001) and Pollack (2003) measured delegation and discretion of the Commission using two indicators: delegation ratio and procedural constraints. More recently, Hooghe and Marks (2015) in their study on the authority of 72 IOs distinguish between pooling and delegation. Regarding delegation, the authors assess whether an IO is formally empowered to perform certain tasks in the following domains: executive functions, policy initiation, budget drafting, financial non-compliance, member state accession, suspension of a member state, and constitutional revision. I follow this perspective, arguing that supranational perspectives are expected to become more powerful, when more tasks are delegated to them and when these tasks become more intrusive. The choice for a delegation design with partial empowerment constrains the performance of agents in a certain policy field (see also Heldt and Schmidtke 2017).

Scope refers to the issue areas in which supranational institutions are allowed to operate (Koremenos *et al.* 2001). Scholars map whether IOs were designed for narrow, policy specific issues, whether they operate more generally within an entire issue area or whether they are a general-purpose organization operating in a variety of issue areas. In International Relations, there have been several early attempts to classify

IOs according to their scope (Jacobson *et al.* 1986, Shanks *et al.* 1996) with a large number of empirical studies applying more detailed lists of issue areas. Whereas Haftel (2013) looks at the scope of economic activity of regional economic IOs in 24 issue areas, Hooghe and Marks (2015) use a list of 25 issue areas to gauge the scope of 72 IOs. Finally, Börzel (2005) codes 18 issue areas to analyze the issue scope of the EU and looks at the procedures according to which policy decisions are taken at the European level (scope) and showed that since Maastricht there was a significant task expansion of the EU into justice and home affairs. As with tasks transferred to the European level, I expect that when the number of issue areas delegated to European institutions increases and the type of issue area becomes more intrusive, European institutions power is more likely to increase (see also Heldt and Schmidtke 2017).

Capabilities refer in this contribution to the financial and human resources available to the European Commission and agencies in charge of implementing migration policies. Regardless of which specific tasks are delegated to supranational institutions and how broad the scope of their application is, the performance of any task by supranational institutions necessitates personnel and financial resources. Without these basic resources, supranational institutions cannot act. In other words, empowerment requires delegation of power by stipulating in a treaty an agent's tasks, scope, and capabilities. *When it comes to a crisis situation, insufficient resources lead to ineffectiveness and hinder supranational organizations in performing their tasks.* The empirical part of this contribution will assess the tasks, scope of issues, and capabilities of the European migration agencies, Frontex and EASO.

Reluctant agents: absence of transformational leadership

Principal-agent approaches assume that agents are opportunistic actors. As Williamson (1985: 30) puts it, agents are “self-interest seeking with guile”. The European Commission is, by now, the most studied international bureaucracy (Franchino 2007, Hartlapp *et al.* 2014, Hooghe 2001, Kassim *et al.* 2013, Pollack 2003) with a large body of research opening up the box of preference formation. For neo-functionalists the Commission is mainly a technocracy aimed to efficiently and effectively solve problems (Haas 1958, 1961). In line with classical rational choice approaches (Downs 1957, Niskanen 1971), principal-agent students view the Commission as competence-maximizer (Pollack 1997, 2003). Hooghe (2005), in turn, brings ideological considerations into the preference formation of the Commission. However, the literature has hitherto focused less on whether agents can also be *reluctant competence-maximizers*, by which I mean that they avoid to actively demand for more competences. Even though this might seem irrational or counterintuitive at first sight, this kind of behaviour can happen when supranational institutions are weakened and aware that some Member States do not support further competence transfer to the European level.

Political leadership by supranational institutions is a crucial dimension to overcome disintegration dynamics. Political leadership can be seen as a social process in which leaders attempt to influence and mobilize other actors to achieve a common goal (Nye 2006, Schoeller 2017). Transformational leadership, which refers to leaders' ability to encourage followers by appealing to their collective interests (Bass and Riggio 2008), is thus a crucial dimension to solve a crisis situation and weaken the erosion of the integration process. Transformational leadership means that the leader (the Commission) is able to broaden followers of a new situation and to unite them along

an objective or a common identity (the European integration process). When a supranational institution is able to generate awareness of a shared identity and in the next step prepare and share technical proposals to overcome a crisis situation it demonstrates leadership. In other words, if a supranational institution is able to provide a solution to collective action problems, along the neo-functionalist tradition (Haas 1961), so that Member States do not question its authority and accept the proposed solution as the best way to solve a crisis, it acts as a transformational leader. In this way, a supranational institution can take the lead and is more likely to be able to integrate the different positions of all Member States into a common proposal. Expertise capacity, the inclusiveness of different bargaining positions and awareness of a shared identity constitute three crucial elements of transformational leadership. The absence of transformational leadership and entrepreneurship by the European Commission, that is to say the lack of a leadership role by the Commission's president, to solve a crisis might lead in a situation of low internal cohesiveness within the collective principal to unilateral actions by Member States and thus lead to an erosion of the integration process.

Low internal cohesiveness and external ineffectiveness

Low internal cohesiveness is the third causal mechanism that leads to disintegration dynamics, as external effectiveness cannot happen in the absence of internal cohesiveness. The inability of EU Member States to be internally cohesive and to speak with a single voice impacts their external and internal effectiveness in solving the refugee crisis. Effectiveness refers to the ability of the EU to solve a crisis. Degree of cohesiveness refers to the EU ability to formulate internally and represent externally a consistent position with a single voice, even if this is not the preferred position of all

Member States (Conceição-Heldt and Meunier 2014). Internal cohesiveness is not synonymous with homogeneity of preferences – rather it means that Member States neither undermine nor overrule the collective position to be defended with a single voice. This also means that when there is no common position a single voice cohesiveness does not exist. According to Conceição-Heldt and Meunier (2014) cohesiveness can vary between low, medium and high cohesiveness. *Low internal cohesiveness* refers to Member States having a hard time reaching a common position, which can presumably re-opened at a later time) and then presenting it through multiple voices externally. This corresponds to what I call a cacophony of voices. *Medium cohesiveness* means that Member States easily reach a common position but still present it through multiple voices. Finally, high cohesiveness exists when Member States have a single position and are able to present it with a single voice (Conceição-Heldt and Meunier 2014). Several studies have showed that internal cohesiveness can have a positive impact on external effectiveness (Conceição-Heldt 2014, Meunier 2014), no impact and even a negative impact on external effectiveness (Macaj and Nicolaïdis 2014). In this study, the focus is merely on low internal cohesiveness.

A low internal cohesiveness is more likely to have negative internal and external consequences. Externally, the EU's bargaining power is expected to be weakened as the EU is unable to present a common position to other countries, for instance when negotiating with Turkey on the conditions under which Turkey will carry the costs of caring for two million refugees on its territory. In a situation of low internal cohesiveness, characterized by a cacophony of voices, a reluctant and weakened agent and partial empowerment, Member States are more likely to recur to unilateral actions and disintegration dynamics strengthened. In the next section, we turn to the fourth causal mechanism, unilateral actions, that explain disintegration dynamics.

Unilateral actions and hierarchy in EU governance

When a weakened agent fails to act as a transformational leader taking care of providing the public good, such as European integration or internal security, internal cohesiveness within the collective principal is low and principals have chosen a delegation design characterized by partial empowerment, some Member States are more likely to fill this “power gap” and act unilaterally by undermining the authority of the Commission. This might introduce hierarchy to the European integration and strengthen disintegration dynamics. This is the case because in European integration process single Member State usually do not take the lead and problems are rather solved collectively and consensually. Missing leadership from the Commission leads to hierarchy. Hierarchy means that one country, the dominant member, possesses the right to make residual decisions with the other parties, the subordinate members (e.g. smaller Member States), lack that right. It doesn't matter whether the parties have entered into this new type of relationship voluntarily or by hazard (Lake 2011), the simple fact that a benign hegemon exists, weakens the integration process as one dominant Member State acts unilaterally. The choice of unilateral actions, in turn, is more likely to weaken the willingness of Member States to support the provision of the public good by supranational institutions.

If Member States anticipate sustained and vocal opposition to potential unilateral action from other Member States or from the Commission, they may rationally forgo acting unilaterally, fearing that resulting public blaming could prevent them from achieving other aspects from their political agenda in future EU negotiations (Christenson and Kriner 2017). In other words, if Member States are aware that the Commission or influential Member States are capable of eroding support for unilateral actions, they are more likely to restrain from this kind of action.

In the next section, I now illustrate how these four different causal mechanisms

help us to explain disintegration dynamics.

3. Disintegration dynamics during the refugee crisis

Partial empowerment in the migration and asylum policy

How does the principal-agent relationship look like in the specific case of migration and asylum issues? Delegation of power from Member States to European institutions on migration and asylum issues was partial with multi-layered levels of delegation. In this section, I map which tasks, issues, and capabilities have been transferred to the European level.

Starting with the Treaty of Amsterdam, the collective principal made up of the 28 Member States at the European Council or at the Minister level (Council of Justice and Internal Affairs) transferred competences for immigration, asylum and civil law to the Commission in the framework of the Schengen Agreement. However, the extent of these competencies remained limited in scope with Member States playing the main role. At the same time, Denmark, Ireland, and the United Kingdom were explicitly given the right to opt in or out of specific proposals. With the 2010 Lisbon Treaty, the decision-making rules related to migration and asylum were changed from unanimity to qualified majority voting. The latter is now achieved when 55% of Member States vote in favour of a proposal, which corresponds basically to 16 of the 28 states or when the proposal is supported by Member States that represent 65% the total EU population. The Treaty of Lisbon makes a clear distinction between EU and national competences, stipulating that measures related to migration taken at the European level that “do not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed” can be decided on the basis of qualified

majority voting. Thereby, external borders remain under the sovereignty of Member States and the tasks delegated to the Commission related to asylum policy are limited. First of all, the Commission does not have the power to enforce a mandatory relocation system without the consent of Member States and the EP. Second, the Commission lacks effective enforcement mechanisms to ensure compliance with the Common European Asylum System standards and directives. Finally, the competence for the achievement of fair responsibility-sharing mechanisms in the form of resettlement from those countries hosting a large number of refugees and the provision of humanitarian visas or mobility schemes remains under the exclusive competence of individual Member States.

At the second level of delegation, the Commission delegates power to the European migration agencies, EASO and Frontex. The decision for a division of competences between these two agencies also illustrates the complexity of actors and division of labour in this field. Before the refugee crisis, Frontex was simply in charge of controlling EU borders and carrying out missions such as search and rescue operations at sea or the return of third-country-nationals to their countries (Frontex 2017). EASO, in turn, provides expertise and technical support to Member States with the aim of helping them to implement the Common European Asylum System (EASO 2017).

During the refugee crisis, following a proposal by the European Commission, Member States agreed on widening the scope of Frontex's mandate and increasing Frontex's and EASO's capabilities. From 2014 to 2016, Frontex's budget increased from 100 to 250 million Euros and EASO from 10 to 70 million Euros. Member States also agreed at the end of September 2015 on a new additional funding of 1.3 million Euros to be shared between Frontex, EASO and Europol to finance 60 new permanent staff for Frontex, 30 for EASO and 30 for Europol. For 2016, a package of 600 million

Euro was provided to increase the emergency funding budget and support the work of the three European agencies (Agence Europe 2015i). The staff of Frontex and EASO also raised from 311 to 417 and from 79 to 149, respectively. This slightly increase in the number of staff was, however, insufficient to respond to the refugee crisis (EASO 2014, 2016). Even though the president of the European Commission, Jean Claude Juncker, and the Executive Director of Frontex, Fabrice Leggeri, had requested in 2015 and 2016 Member States to increase the number of European Border and Coast Guard, Member States reluctantly answered to these demands by sending 450 board guards (European Commission 2016). Insufficient border guards became apparent at the end of 2015, when at the hotspots on Greece Frontex requested reinforcement of 775 coastguards from Member States, the latter answered by only sending 447. EASO, in turn, demanded 374 experts and Member States reacted by sending only 201(Agence Europe 2016c). In 2016, when it came to the implementation of the EU-Turkey refugee agreement, the Commission's estimation was that 1,500 additional staff from sixteen Member States would have been necessary to implement the agreement (Agence Europe 2016b). However, Member States provided cautiously only 396 police officers and 33 legal experts with Germany and France providing the majority of the additional staff reinforcement (Agence Europe 2016a). These insufficient capabilities explain why Frontex and EASO were unable to respond in an efficient way to the refugee crisis.

The tasks and scope of issues delegated to Frontex are also very limited. One of the main weaknesses is that there is no EU coastguard. This means that Member States are still in charge of managing tier external borders, under the conditions established by the Schengen borders Code, that is to say in a way that ensures the mutual trust on free movement on which the Schengen agreement is based. As these

borders are also the EU's external borders, Member States experiencing particular migration pressure receive support from the EU and the other Member States, under the principle of solidarity (art. 80 of the TFEU). This was the rationale behind the creation of Frontex in 2004, as its mission and tasks are to strengthen the cooperation between national border authorities through the coordination of joint operation of Member States by providing risk analysis research and training and assisting Member States.

Insufficient capabilities of Frontex in terms of own personnel lead to ineffectiveness in solving the crisis and hinder the migration agency to perform its tasks. Even though Frontex scope includes the deployment of European Border Guard Teams (EBGT) in joint operations and rapid border interventions, it does not dispose over its own operational capabilities. This means that Frontex's own capabilities to perform its tasks are very limited without the ownership of ships or aircraft to joint operations. In addition, the EBGT consist of border guards from Member States and experts in border management. This increases the dependency of the migration agency of the willingness of Member States to provide them with sufficient human resources and delays the answer to acute refugee crisis situations. The limited tasks, issue scope and insufficient capabilities of Frontex and EASO hindered a quick European response. In this way, partial empowerment is the first causal mechanism that explains why disintegration dynamics were strengthened during the Syrian refugee crisis.

Member States have opted for a complex delegation of authority involving the European Commission and migration agencies without providing them with sufficient resources to fulfil their mandates. Together with a system of parallel competences that allows Member States to pursue their own policies alongside EU migration policy this led to a bad performance of the European Commission and Frontex during the refugee the crisis.

The next section now turns to the second causal mechanism that reinforced disintegration dynamics, a weakened and reluctant agent unable to provide transformational leadership.

Weakened Commission and Lack of Leadership

During the refugee crisis, even though the European Commissioner for Migration, Dimitris Avramopoulos, urged Member States to agree on the creation of a Community list of safe countries and to introduce a permanent and obligatory relocation system (Agence Europe 2015h). However, Member States were highly divided and the Commission was unable to provide transformational leadership by persuading them to find a common solution related to these two issues. After several deadlocked ministerial summits, at the end of August 2015, the president of the European Commission instead of trying to unite Member States around the common objectives (relocation criteria and the exact quota for reallocating refugees) openly criticized the attitude of Member States towards the refugee crisis in an opinion piece published in German and French newspapers. At the same time, he announced that the Commission would issue a list of safe third countries and would propose a permanent mechanism for sharing refugees across Europe. The German chancellor, Angela Merkel, reacted immediately by organizing a bilateral meeting with the French president Francois Hollande in order to draft together a list of safe countries of origin and for speeding up the process of putting in place hot spots, the centres for the identification for refugees arriving in Italy and Greece (Agence Europe 2015g). This example illustrates that instead of accepting the proposals presented by the Commission, Germany undermined the authority of the Commission on migration issues by taking the lead. This decision of some Member States to take the lead

weakened the Commission and reinforced disintegration dynamics.

Low internal cohesiveness and cacophony of voices

During the refugee crisis, Member States were highly divided on two issues. First, they disagreed on the type of mechanism (permanent or temporary) and the resettlement criteria (population, national GDP, rates of unemployment as well as efforts made in terms of providing asylum) to be used to distribute between Member States around 40,000 asylum seekers in order to take pressure off the two first entry countries in which most of the refugees arrived, Italy and Greece. After five months of negotiations, Member States agreed on sharing of 32,256 refugees on a voluntary and consensual basis. But they initiated a bargaining process on the minimization of the number of relocation places. The President of the European Commission criticized openly Member States for their inability to reach a common solution. The Commission, however, failed to act as a transformative leader with Germany taking this role instead. Angela Merkel met again with François Hollande to bilaterally find a quick response to the refugee crisis including to put in place hot spots, identification centres with experts from the Commission, Member States and EASO for migrants arriving in Greece and Italy. Germany and France took the political leadership by calling for a "unified" response from the EU to the refugee crisis and by calling on the other EU Member States to "work together" to solve the migration crisis (Agence Europe 2015f). The Visegrad states (Hungary, Poland, the Czech Republic and Slovakia) fiercely opposed the redistribution of 40.000 asylum seekers among Member States (Agence Europe 2015e).

Following this low internal cohesiveness and inability to agree on a redistribution mechanism, Member States turned to unilateral actions, which included closing their borders. At the end of August 2015, when the Hungarian government decided to close its borders and Austria introduced tighter border controls, Germany once more overtook the political leadership from the weakened European Commission by stating that without an agreement on the fair distribution of asylum seekers between EU countries the future of the Schengen area of free movement would be threatened. With the re-introduction of internal border controls between Schengen Member States (Agence Europe 2015e). This was the beginning of unilateral actions that reinforced disintegration dynamics.

At the beginning of September with the number of refugees entering Europe increased daily, in addition to the 40,000 refugees to be reallocated, the European Commission proposed an emergency mechanism to relocate 120,000 refugees from Greece, Italy, and Hungary to other EU Member States. Germany, France, and Spain committed themselves to take the highest number of refugees biggest 31,443, 24,031 and 14,931 refugees, respectively (Agence Europe 2015d).

However, because Visegrad states opposed the emergency resettlement measures, mid-September the German's interior minister, Thomas de Maizière, threatened with sanctioning those countries refusing to accept quotas for refugees by freezing their allocation of European structural funds. Even though de Maizière stated that this idea had come originally from Jean-Claude Juncker, the latter counter argued that the Commission hadn't been informed about this plan. He added that the multiannual budget did not provide a legal basis for reducing European structural funds. If a country refused to participate in the relocation mechanism, incentives rather than sanctions were required (Agence Europe 2015c).

Due to the disagreement among Member States a consensual decision on the emergency resettlement of 120,000 refugees within EU Member States was not possible due to the opposition of Slovakia, Hungary, the Czech Republic and Romania. However, the Luxemburg presidency decided to sidestep the opposition of these four countries by taking a decision with qualified majority vote on September 22, 2015 of the European home affairs ministers. The Luxembourg minister, Asselborn, defended the use of the vote stating that “the EU would have come out even more ‘divided’ if no decision had been reached” (Agence Europe 2015b).

The final outcome foresaw the resettlement of 120,000 refugees over two years from Greece and Italy. In the first year, 66,000 refugees from Italy and Greece would be resettled. Because Hungary refused to take some asylum seekers, the quota for Hungary was set at 1,294 refugees. Instead the 54,000 asylum seekers who were initially to be resettled from Hungary would be allocated to Greece and Italy in the second year. The final agreement excluded the temporary solidarity clause, that is to say a financial compensation mechanism made available to the Member State unable to host refugees, which had been laid down at 0.002% of the GDP of the country to be paid into the EU budget. The agreement stipulated that no Member State would be allowed to refuse its quota. However, in the case of an exceptional situation, including a natural disaster, Member States would be allowed to delay the resettlement of 30% of their share until 12 months after the entry into force of the decision after a positive vote by the Council of the EU. At the same time, Member States would be allowed to suspend their obligations related to the resettlement of the 120,000 refugees if they were subjected to a sudden influx of migrants onto its territory by requesting the activation of article 78§3 of the Lisbon Treaty. Member States also deleted any reference to the Commission’s obligatory criteria (distribution on the basis of GDP, population size, unemployment rate and hosting efforts). This

compromise solution was then accepted by countries such as Poland, as the new proposal foresaw specific exceptions that would allow countries to suspend if necessary the agreement. For example, the Polish minister, Piotr Stachanczyk, stated that he could accept the agreement because would all of Poland's demands had been taken into account: "There are safeguards which will allow this mechanism to be suspended" and that Poland's quota around 5,082 would be manageable for his country (Agence Europe 2015b).

Unilateral actions: Closing the borders

Hungary was one of the first countries to recur to unilateral actions by deciding to build up a 175- kilometer long-fence to tide the migrants across the border with Serbia. A second central measure was the re-introduction of border controls at the end of August 2015 by Hungary, tighter controls by Austria and Germany's decision mid-September to re-establish border controls at its border with Austria due to the sudden migration pressure with over 20,000 refugees arriving in Munich in a day. Even though the Schengen agreement allows the introduction of border controls and extending these for a maximum of two months, in some cases, Member States (Hungary and Austria) simply decided to take these unilateral actions without even initially notifying the European Commission (Agence Europe 2015a). For example, there under Hungarian leadership, several informal meetings between Visegrad countries took place without the participation of Commission's representatives. The Commissioner Avramopoulos also criticized the decisions made by Germany to suspend the application of the Dublin regulation for Syrians as this unilateral action had contributed to the chaos and the "collapse of the Dublin system". The temporary and permanent refugee relocation mechanisms formed an amendment to the Dublin

so that a more in-depth reform of the Schengen system would be necessary in the future.

Conclusion

In this paper, I have argued that the refugee crisis has led to an erosion of the integration process. The reinforcement of disintegration dynamics was a function of four mechanisms: partial empowerment of European institutions, the Commission's inability to provide transformational leadership, low internal cohesiveness within the Council of the EU, and unilateral actions. First, a partial delegation of power to the European level on migration issues without clearly defined competences between the Commission, Member States, European Parliament and Migration agencies has hindered effective action by Frontex. Second, contrary to the assumptions of neo-functional approaches that the Commission constantly attempts to widen its power, this piece shows that the Commission took a low profile and restrained from concentrate more power at the supranational level. Third, the temporary suspension of the Schengen treaty constituted another breakdown in European integration. The choice for unilateral solutions illustrates how easily the European integration process can be reversed and spill-back processes initiated. Against the common wisdom that European integration only goes in one direction, namely more integration, we currently witness a reverse process. Finally, the inability of Member States to speak with a single voice has reinforced disintegration dynamics during the refugee crisis.

The refugee crisis has several implications for the European integration process that are likely to be strengthened in the current "existential crisis" (Juncker 2016) that was initiated with the vote of British citizens in favour of leaving the EU. The mantra that the EU undergoes many crises, but always emerges stronger has lost plausibility. New challenges that started with the Euro crisis were strengthened with the refugee crisis and are now deepened with the existential crisis are driving Member States apart. The refugee crisis has

strengthened hierarchical governance within the EU, which was initiated during the Eurozone crisis, with Germany acting as a benevolent hegemon.

References

- Agence Europe (2015a) *Disagreement on relocating 120,000 additional asylum seekers*. September 14.
- Agence Europe (2015b) *Council presidency forced to move to vote to push through resettlement of 120,000 refugees*. September 22.
- Agence Europe (2015c) *New Emergency Ministerial Meeting on Migrants*. September 15.
- Agence Europe (2015d) *Juncker calls Member States to courage and solidarity*. September 9.
- Agence Europe (2015e) *Merkel's Schengen future threat if partners don't act on migration*. September 1.
- Agence Europe (2015f) *German and Balkan States call for EU help with migrants*. August 27.
- Agence Europe (2015g) *No new summit but courage needed in migrant crisis, says Juncker*. August 24.
- Agence Europe (2015h) *Further attempt to distribute 40,000 migrants through EU on Monday 20 July*. July 17.
- Agence Europe (2015i) *Migration- Commission puts focus on external borders*. September 23, 2015.
- Agence Europe (2016a) *Commission adapts its rules for putting EU/Turkey migration deal into practice*. March 22.
- Agence Europe (2016b) *Difficult start for EU-Turkey migrant agreement*. March 25.
- Agence Europe (2016c) *Franco-German mission to assess migration in Turkey and Greece*. May 2.
- Bass, B.M. and Riggio, R.E. (2008) *Transformational Leadership*, Mahwah, NJ: Lawrence Erlbaum Associates.
- Börzel, T. (2005) 'Mind the Gap! European Integration between Level and Scope', *Journal of European Public Policy* 12(2): 217-36.
- Börzel, T. (2016) 'From EU Governance of Crisis to Crisis of EU Governance: Regulatory Failure, Redistributive Conflict and Eurosceptic Publics', *JCMS: Journal of Common Market Studies* 54(S1): 8-31.
- Christenson, D.P. and Kriner, D.L. (2017) 'Mobilizing the Public Against the President: Congress and the Political Cost of Unilateral Action', *American Journal of Political Research*
- Conceição-Heldt, E.d. (2010) 'Who Controls Whom? Dynamics of Power Delegation and Agency Losses in EU Trade Politics', *JCMS: Journal of Common Market Studies* 48(5): 1109-26.
- Conceição-Heldt, E.d. (2014) 'When Speaking with a Single Voice Isn't Enough: Bargaining Power (A)symmetry and EU External Effectiveness in Global Trade Governance', *Journal of European Public Policy* 21(7): 980-95.
- Conceição-Heldt, E.d. and Meunier, S. (2014) 'Speaking with a Single Voice: Internal Cohesiveness and External Effectiveness of the EU in Global Governance', *Journal of European Public Policy* 21(7): 961-79.
- Downs, A. (1957) *An Economic Theory of Democracy*, New York: Harper & Brothers.
- EASO (2014) *Annual Report on the Situation of Asylum in the European Union 2014*, Valletta: EASO.

- EASO (2016) *Annual Report on the Situation of Asylum in the European Union 2016*, Valletta: EASO.
- EASO (2017) 'About Us: What We Do', <https://www.easo.europa.eu/about-us/what-we-do>, last accessed April 29 2017.
- European Commission (2016) *Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration. COM(2016) 85 final*, Brussels: European Commission.
- Franchino, F. (2007) *The Powers of the Union: Delegation in the EU*, Cambridge: Cambridge University Press.
- Frontex (2017) 'About Frontex: Missions and Tasks', <http://frontex.europa.eu/about-frontex/mission-and-tasks/>, last accessed April 29, 2017.
- Haas, E.B. (1958) *The Uniting of Europe: Political, Social and Economic Forces 1950-1957*, London: Stevens & Sons.
- Haas, E.B. (1961) 'International Integration: The European and the Universal Process', *International Organization* 15(3): 366-92.
- Haftel, Y.Z. (2013) 'Commerce and Institutions: Trade, Scope, and the Design of Regional Economic Organizations', *The Review of International Organizations* 8(3): 389–414.
- Hartlapp, M., Metz, J. and Rauh, C. (2014) *Which Policy for Europe? Power and Conflict Inside the European Commission*, Oxford: Oxford University Press.
- Hawkins, D.G., Lake, D.A., Nielson, D.L. and Tierney, M.J. (eds) (2006) *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.
- Heldt, E. and Schmidtke, H. (2017) 'Measuring the Empowerment of International Organizations: The Evolution of Financial and Staff Capabilities', *Global Policy*
- Hooghe, L. (2001) *The European Commission and the Integration of Europe*, Cambridge: Cambridge University Press.
- Hooghe, L. (2005) 'Several Roads Lead to International Norms, but few via International Socialization: A Case Study of the European Commission', *International Organization* 59(4): 861-98.
- Hooghe, L. and Marks, G. (2015) 'Delegation and Pooling in International Organizations', *Review of International Organizations* 10(3): 305-28.
- Jacobson, H.K., Reisinger, W.M. and Mathers, T. (1986) 'National Entanglements in International Governmental Organizations', *American Political Science Review* 80(1): 141-59.
- Juncker, J.-C. (2016) State of the Union Address 2016: Towards a better Europe - a Europe that protects, empowers and defends. Strasbourg, September 14.
- Kassim, H., Peterson, J., Bauer, M.W., Connolly, S., Dehousse, R., Hooghe, L. and Thompson, A. (2013) *The European Commission in the Twenty-First Century*, Oxford: Oxford University Press.
- Koremenos, B., Lipson, C. and Snidal, D. (2001) 'The Rational Design of International Institutions', *International Organization* 55(4): 761-99.
- Lake, D.A. (2011) *Hierarchy in International Relations*, Cornell: Cornell University Press.
- Lindberg, L.N. and Scheingold, S. (1970) *Europe's Would-Be Polity. Patterns of Change in the European Community*, New Jersey: Prentice-Hall.
- Macaj, G. and Nicolaïdis, K. (2014) 'Beyond "one voice"? Global Europe's Engagement with its own Diversity', *Journal of European Public Policy* 21(7): 1067-83.
- Menéndez, A.J. (2016) 'The Refugee Crisis: Between Human Tragedy and Symptom of the Structural Crisis of European Integration', *European Law Journal* 22(4): 388-416.
- Meunier, S. (2014) 'Divide and conquer? China and the cacophony of foreign investment rules in the EU', *Journal of European Public Policy* 21(7): 996-1016.

- Niskanen, W.A. (1971) *Bureaucracy and Representative Government*, Chicago: Aldine-Atherton.
- Nye, J.S. (2006) *Soft Power, Hard Power, and Leadership*. Harvard.
- Pollack, M.A. (1997) 'Delegation, Agency, and Agenda Setting in the European Community', *International Organization* 51(1): 99-134.
- Pollack, M.A. (2003) *The Engines of European Integration: Delegation, Agency, and Agenda Setting in the EU*, Oxford: Oxford University Press.
- Schimmelfennig, F. (2016) Die Europäische Union und die Flüchtlingskrise: Interdependenz, Politisierung und institutionelle Effektivität *Nationale, Europäische und Internationale Herausforderungen der Flüchtlingsströme*. Freie Universität Berlin.
- Schoeller, M.G. (2017) 'Providing political leadership? Three case studies on Germany's ambiguous role in the eurozone crisis', *Journal of European and Public Policy* 24(1): 1-20.
- Shanks, C., Jacobson, H.K. and Kaplan, J.H. (1996) 'Inertia and Change in the Constellation of International Governmental Organizations, 1981-1992
- Williamson, O.E. (1985) *The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting*, New York: Free Press.